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Idaho Conservation League

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Sept. 30, 2013

Brian Nickel
US EPA Region 10
Spokane River NPDES Public Comments
1200 6th Avenue
Suite 900 M/S OWW-130
Seattle, WA 98101

June Bergquist
DEQ Coeur d'Alene Regional Office
2110 Ironwood Parkway
Coeur d'Alene, ID 83814

RE: Comments on Draft NPDES Permit ID-0025852 for the Post Falls Wastewater Treatment Plant and Draft Water Quality Certification

Dear Mr. Nickel and Ms. Bergquist,

Thank you for the opportunity to provide comments on the National Pollutant Discharge Elimination System permit and the Water Quality Certification for the city of Post Falls' wastewater treatment plant. Also, thank you for providing an extension to the comment period for the Draft NPDES permit.

I write today on behalf of the Idaho Conservation League. Since 1973, the Idaho Conservation League has been Idaho's voice for clean water, clean air and wilderness—values that are the foundation for Idaho's extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development. As Idaho's largest state-based conservation organization, we represent over 25,000 supporters, many of whom have a deep personal interest in maintaining healthy waterways for recreation, aesthetic and human health reasons.

After reviewing the fact sheets, draft permits and Idaho Department of Water Quality's water quality certifications, we have identified some changes needed in the draft permit. To summarize, we have concerns regarding potential backsliding on chlorine limits. We are supportive of the requirement to join the Spokane River Toxics Task Force, but more monitoring and measurable results are needed. We support the limits for phosphorus, however we believe

the limits for phosphorus should be year-round, and not just seasonal. We are also concerned that the continued high loading of ammonia in combination with other dischargers will undermine efforts to reduce dissolved oxygen downstream.

Our comments are as follows:

1. Backsliding concerns: In the Post Falls draft permit, the limits for a number of pollutants are more generous than in the current permit. Some of these increases are understandable and justifiable because of an increase in design flow. While the mass limits may increase in relation to the increased flow, we do not approve of the increase in the concentration. In the case of chlorine, it appears that EPA is prepared to grant an increase in the concentration from .147 mg/l or 4.27 lb/day total residual chlorine from October-June, to .244 mg/l or 10.2 lb/day. It is not clear why the concentration for chlorine has been increased, particularly after the city has implemented the use of ultraviolet treatment in lieu of chlorine. This appears to be backsliding in violation of the intent of the Clean Water Act. State's water quality certification states on Page 1 that under Tier 1 Protection, it should ensure that "existing uses of a water body and the level of water quality necessary to protect those existing uses will be maintained and protected." Maintained means that we need to be sure we are not reducing water quality as it pertains to aquatic life. That means the increase in chlorine is of particular concern as it could negatively impact aquatic life.
2. PCBs: We support the draft permit requirement for the Idaho dischargers to participate in the Spokane River Toxics Task Force. Regular monitoring is needed to determine the amount of PCBs entering the river from Idaho dischargers and we approve of those requirements in the discharge permits. However, the monitoring should be more frequent to ensure a robust database for determining the sources of contamination and the ability of the treatment plants to capture the PCBs. A monitoring regimen that compares influent to effluent should be added. In addition, there needs to be a requirement for the dischargers to make measurable progress as part of their involvement with the Spokane River Toxics Task Force. Without measurable progress, it's likely that the state of Washington will establish a PCB TMDL for the river, and that would result in permit limits upstream for dischargers, too.
3. Phosphorus: In lieu of phosphorus limits in the winter months, the draft permit calls for a Phosphorus Management Plan. The plan contains laudable practices, however, a management plan is not an effluent limit and should not take the place of one. Instead, the new seasonal limits for phosphorus should be applied year round. When phosphorus enters the watershed, whether in the winter or the summer, some of it will remain in the watershed. As the draft permit acknowledges, the effects of nutrient loading are not immediate. Some of the phosphorus discharged in the winter months will settle in the sediments downstream in Long Lake and could be released due to negative retention in the sediments during the summer months.¹ This release could contribute to plant growth in the summer, and cause a decrease in dissolved oxygen. Therefore, these limits should be applied year round, not just during the warmer months.

¹ Martin Sondergaard, Jens Peder Jensen, Erik Jeppesen, "Role of sediment and internal loading of phosphorus in shallow lakes," *Hydrobiologia* 506-509, (2003), 235-145.

4. Dissolved Oxygen: While phosphorus is greatly reduced, we are concerned that the combined reductions of phosphorus, CBOD and ammonia are not sufficient to achieve the Washington State dissolved oxygen criteria. Of the three pollutants, ammonia discharges remain relatively high in the draft permits, and it appears that the seasonal amount that would be allowed under Post Falls' permit would actually increase from the existing permit's average monthly limit. According to the The Spokane River and Lake Spokane Dissolved Oxygen Total Maximum Daily Load Water Quality Improvement Report, (Spokane River TMDL), the Department of Ecology developed assumptions about "the anticipated permit-driven reductions of anthropogenic loading of phosphorous, CBOD and ammonia from wastewater treatment plants and stormwater in Idaho. These assumptions are based on point sources discharging equivalent pollutant concentrations at wastewater treatment plants in both states and have been incorporated into the model scenarios supporting this TMDL." (p. 35, Spokane River TMDL) The sum total of the seasonal averages for TP, CBOD and ammonia in the draft permits for the three Idaho dischargers is significantly more than compared to the total assumed anthropogenic loading of the three pollutants as listed in the Washington TMDL. For example, the presumed load from ammonia was 94.4 lb/day while the actual loading under the final permit is 604.4 lb/day. Therefore, the overall reduction in the oxygen-consuming pollutants does not appear to be sufficient to meet the downstream state's needs. Given the state of dissolved oxygen downstream, it would make all the more sense to attempt to decrease ammonia from Post Falls, rather than allow an increase in discharge. It's difficult to see how the state of Washington is going to achieve its goals downstream in the Spokane River TMDL if the Idaho dischargers are allowed to exceed the suggested wasteload allocation assigned to Idaho in the TMDL. We recommend the EPA revisit the CBOD and ammonia levels in an effort to be consistent with the downstream TMDL.
5. Weekly limits: The draft permit does not list any average weekly limits for E. coli, total residual chlorine, total ammonia or metals, except for cadmium. Weekly average limits should be established for these pollutants. Those pollutants with only monthly average limits and daily maximum limits risk exceeding the monthly limit if the daily maximum is reached multiple times over a period of several days. Therefore, average weekly limits for E. coli, total residual chlorine, total ammonia, copper, lead and zinc should be included.
6. Finally, we've noted a few inconsistencies in the fact sheets and water quality certifications. For instance, in the DEQ's Draft 401 Water Quality Certification for Post Falls, Table 1 is not consistent with the Draft Permit Table 2 on page 20. Furthermore, in all three fact sheets, Appendix B references the wrong section in the permits for the Phosphorus Management Plan. The figures in all tables need to be double-checked to make sure the analysis is still correct.

Again, to summarize, we support involvement of Idaho dischargers in the Spokane River Toxics Task Force, but that involvement should also include increased monitoring and measurable progress; seasonal limits for phosphorus are insufficient and need to be revised to be year-round limits; we believe that the permit limits are allowing backsliding in the case of chlorine; we are concerned that the oxygen-demanding pollutants are not reduced enough to meet the needs of the Spokane River TMDL; and average weekly limits need to be included for several pollutants being regulated.

Thank you for this opportunity to weigh in. If you have any questions, feel free to contact me at (208) 265-9565 or sdrumheller@idahoconservation.org.

Regards,

A handwritten signature in cursive script that reads "Susan Drumheller". The signature is written in a dark ink and has a fluid, personal style.

Susan Drumheller
North Idaho Associate
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